

**AFFIDAVIT IN SUPPORT OF CRIMINAL COMPLAINT**

I, Kasim M. Bernabe-Urrutia, Special Agent (“SA”) with the Federal Bureau of Investigation (“FBI”), being duly sworn, depose and state:

**Introduction**

1. I am a SA with the FBI and have been so since February 2022. I am currently assigned to investigate violent crimes and major offenders in the San Juan Field Office of the FBI. During my time as a SA with the FBI, I have participated in violent crimes investigations related to carjackings, kidnappings, robberies, homicides, cruise ship crimes, airport crimes, drugs, firearms, and others. As a result, I am familiar with procedures, activities, and investigative techniques associated with these investigations.

2. I am an investigative or law enforcement officer of the United States within the meaning of Title 18, *United States Code*, Section 2510(7), that is, an officer of the United States empowered by law to conduct investigations and make arrests upon violation of offenses enumerated in Titles 18 and 21 of the *United States Code*.

3. The facts and information contained in this affidavit are based upon my training and experience, participation in this investigation, personal knowledge, and observations during the course of this investigation, as well as the observations of other agents and police officers involved in this investigation. All observations not personally made by me were relayed to me by the individuals who made them or are based on my review of records, documents, and other physical evidence obtained during the investigation.

4. This affidavit contains information necessary to support probable cause. It is not intended to include each, and every fact and matter observed by me or known to the United States. This affidavit contains information necessary to support probable cause for a criminal complaint charging **Ismael Heredia-Ortiz (“Heredia-Ortiz”)** with violation of (a)

18 U.S.C. § 1513(a)(1) and (f) [Conspiracy to kill another person with intent to retaliate], (b) 18 U.S.C. § 1513(b) and (c) [Retaliation against a witness, victim, or an informant], and (c) 18 U.S.C. § 875(c) [Interstate communications].

**Facts Supporting Probable Cause**

5. The FBI has been conducting a criminal investigation into threats made to a former witness (hereinafter, the “Victim”) of the Drug Enforcement Administration (“DEA”).

6. On or about March 27, 2024, the Victim arrived at the FBI San Juan Field Office to report she has been receiving threats since on or about February 25, 2024.

7. On September 26, 2008, an Indictment was filed in the United States District Court for the District of Puerto Rico (“USDC-PR”) against the Victim, **Heredia-Ortiz** (father of the Victim’s daughter), and 38 other individuals, charging them with conspiracy to possess with intent to distribute controlled substances, in violation of 18 U.S.C. § 846, and other related charges. *See* (Criminal No. 08-330 (GAG), ECF No. 3). The Victim agreed to cooperate with the Federal government and provided incriminating evidence against members of the conspiracy, including **Heredia-Ortiz**. The Victim also testified at the jury trial of two co-defendants.

8. **Heredia-Ortiz** pled guilty in Criminal No. 08-330 (GAG) pursuant to a plea agreement and was sentenced to a term of imprisonment of 170 months and a term of supervised release of 15 years. **Heredia-Ortiz** was released from prison on or about July 7, 2020. On August 25, 2020, his supervised release was transferred to the District of Massachusetts. *See* (Criminal No. 08-330 (GAG), ECF No. 2509-2510). The Victim reinitiated her romantic relationship with **Heredia-Ortiz** after his release from prison. The

Victim visited **Heredia-Ortiz** several times in Massachusetts. **Heredia-Ortiz** tried to convince the Victim to move to Massachusetts with their daughter to live with him, but the Victim declined. The Victim eventually ended the relationship. **Heredia-Ortiz** did not react well to the Victim's refusal to move in with him and aggressively referred to the Victim as "his" property.

9. On or about March 13, 2024, the Victim received threats through the Facebook accounts "Nublado Cielo" and "Kasie Estrada." The person(s) behind these accounts also sent photographs of the Victim with her current boyfriend (hereinafter, "CB"), in front of a bar in Manati, Puerto Rico.

10. On or about March 22, 2024, CB received threats on his cellular telephone through WhatsApp from telephone number 787-531-1934. The username associated with this account is "El Del Draco." Part of the messages translated from Spanish to English said, in sum and substance,

Open your eyes. We have all the information of you and that whore and snitch. We will not say anything else. On the 14 [referring to the month of February] the other day, she was with the other one [referring to Heredia-Ortiz]. We are going to let him know. We are going to strip off the heart of that bitch.

CB received additional messages that day, stating, in sum and substance,

Go away because I told you why she [referring to the Victim] got out of federal prison. She snitched on her husband and everyone else. We know where you are a long time ago, but you support her. Call an army if you want. Jajajaja. We know where you both are. We have pictures of you with her. The other guy is going to find out about that whore. She travels back and forth to the USA.

Throughout the day, CB continued receiving messages saying the Victim was using him and **Heredia-Ortiz**, that they were going to put her in her place, CB needed to break up with her, that she (the Victim) was a Federal snitch, and soon they would be calling CB. In addition, CB received photographs of the Victim and him in front of a bar in Manati, Puerto Rico.

11. On or about March 25, 2024, at approximately 8:49 a.m., the Victim received threats on her cellular telephone through WhatsApp from telephone number 787-531-1934. She also received a photograph of the front gate of her urbanization with text that stated, in sum and substance, “Little birdie, look outside. You have fucked around too much.” The victim received another message that stated, in sum and substance, “You are going to die you fucking rat.”

12. On or about March 25, 2024, at approximately 9:01 p.m., the Victim received a threat on her cellular telephone through WhatsApp from telephone number 787-531-1934. The Victim received a photograph of the front of her house located in Puerto Rico, accompanied by text that read, in sum and substances, “fish are caught through the mouth.” Based on Applicant’s training and experience, including conversations with law enforcement officers experienced in criminal investigations involving threats against government witnesses, this phrase ~~is~~ understood to be a death threat.

13. On or about March 26, 2024, at approximately 10:21 p.m., the Victim received on her cellular telephone through WhatsApp from telephone number 787-531-1934 a photograph of a rifle and a pistol on top of what looks like a bed accompanied with a smiling devil emoji.

14. The Victim received additional threatening messages on her cellular telephone through WhatsApp from telephone number 787-531-1934 on March 26, 27, and 28, 2024. The messages included photographs, including photographs of the Victim on her front porch, the Victim’s vehicle parked in front of her job, and the Victim with CB.

15. On or about March 29, 2024, the Victim received a message on her cellular telephone through WhatsApp from telephone number 939-459-2669. The message threatened that they were going to do an OnlyFans page with the Victim's private sexual content.

16. On or about March 31, 2024, the Victim received a message on her cellular telephone through WhatsApp from telephone number 939-459-2669. The messages included a photograph of the front of the Victim's house followed by a text saying, "Resurrection Day." Based on Applicant's training and experience, including conversations with law enforcement officers experienced in criminal investigations involving threats against government witnesses, this phrase is understood to be a death threat referring to having access to the Victim's neighborhood and being close by to be able to kill her.

17. On or about April 1, 2024, CB began receiving threats on his cellular telephone from telephone number 939-459-2669. Some of the messages stated, in sum and substance, "Let's use you as an example" and "we are going to sew your ass."

18. On or about April 2, 2024, the Victim received a phone call with threats on her cellular telephone from telephone number 939-223-5041. The caller stated, in sum and substance, "Come outside, we are going to beat you up and whoever is with you. You must be scared, but we are going to get you."

19. On or about April 7, 2024, CB received additional threats on his cellular telephone from telephone numbers 939-459-2669, 787-410-1315, 939-356-9637, and 787-531-1934.

20. On or about April 8, 2024, at approximately 1:56 a.m., CB received several threats on his cellular telephone through WhatsApp from telephone number 787-531-1934 stating, in sum and substance, (a) "go away if you love yourself because people suffered and

we have resources, and that bitch of a Federal snitcher we have her hacked”; (b) “Hey man, you are with a snitch that will die today dick sucker we know where both of you are at. That woman is not worth it. We are going to give you some if you do not open with her. She is a Federal snitch, and she owes us. We know where you are at son of a bitch, just now in front of the business with her. We have all your information and photos. That pig is not worth anything, and even though this has nothing to do with you we are going to kick your ass too along with that cocaine addict. We have you set up everywhere you go;” and (c) “We know where you are, and we have everything related to that cocaine addict pig. That snitch owes us, play now alive. It is between you and the other guy. She is a whore. You will both die today son of a bitch. Go away if you do not want to die together. We gave you the opportunity dick sucker. It is between you and the other guy. We have lots of video of her to fuck around since she hurt people. Get out and run, if not you will die like a pig.”

21. On or about April 10, 2024, at approximately 9:00 p.m., the Victim received a telephone call from what sounded like a male caller from telephone number 939-585-8064. The caller stated, in sum and substance, “Listen to what we are going to tell you. We have you everywhere you go, and you are going to die. We are tired. Listen to me. We are going to raise the floor and you will meet Lucifer in person. Soon you will see. I am coming soon.” In the background, a gun being chambered was heard.

22. On or about April 14, 2024, the Victim received an audio where a gun is heard being chambered and what sounds like a male voice calling the Victim a whore.

23. The Victim has also received threats like those already described from telephone numbers 939-223-5041, 939-459-2136, 787-452-6432, 939-459-2800, and 787-299-3233.

24. The investigation has revealed that **Heredia-Ortiz**, during periods relevant to this investigation, resided at 600 Main Street, Apartment 1707, Worcester, MA 01608 (hereinafter, “TARGET PROPERTY”).

25. During the investigation, the FBI was able to track the location of some of the cellular telephones that sent threats – either directly to the Victim or CB – based on location / cell site information received from various service providers (i.e., AT&T and T-Mobile) pursuant to official FBI requests and court orders. Below is a summary of the known locations of cellular telephones that have sent threats to the Victim and/or CB.

<u>Telephone</u>	<u>Date of Call or Message/Time (AST)</u>	<u>Location of Phone</u>
787-531-1934	March 25, 2024, 10:12 PM	600 Main St., Worcester, MA
	March 25, 2024, 10:18 PM	
787-452-6432	March 28, 2024, 10:28 AM	Samuel Rd, Chelmsford, MA
787-452-6432	March 28, 2024, 10:30 PM	600 Main St., Worcester, MA
787-299-3233	April 1, 2024 8:52 PM	600 Main St., Worcester, MA
	April 1, 2024 8:53 PM	
	April 1, 2024 9:30 PM	
	April 1, 2024 9:36 PM	
	April 1, 2024 9:37 PM	
	April 1, 2024 9:44 PM	
	April 1, 2024 9:45 PM	
	April 1, 2024 10:02 PM	South Main St, Worcester, MA (Within the vicinity of the TARGET PROPERTY)
787-410-1315	April 3, 2024, 8:52 PM	600 Main St., Worcester, MA
939-356-9637	April 4, 2024, 6:35 AM	Worcester Providence Turnpike, Worcester, MA
	April 4, 2024, 9:05 AM	Samuel Rd, Chelmsford, MA
	April 4, 2024, 3:11 PM	Worcester Providence Turnpike, Worcester, MA
	April 4, 2024, 8:46 PM	600 Main St., Worcester, MA
	April 4, 2024, 8:47 PM	



	April 4, 2024, 9:23 PM	Canterbury St, Worcester, MA (Within the vicinity of the TARGET PROPERTY)
	April 7, 2024, 12:43 AM	600 Main St., Worcester, MA
	April 7, 2024, 12:44 AM	
	April 8, 2024, 9:30 PM	
939-356-9637	April 5, 2024, 8:49 AM	Samuel Rd, Chelmsford, MA
	April 7, 2024, 1:37 AM	600 Main St., Worcester, MA
	April 7, 2024, 1:38 AM	
	April 7, 2024, 1:39 AM	
939-459-2136	March 28, 2024, 7:45 AM	Northeast Expressway, Chelmsford, MA
	March 28, 2024, 7:57 AM	Samuel Rd, Chelmsford, MA
	March 28, 2024, 7:59 AM	
	March 28, 2024, 8:00 AM	
	March 28, 2024, 8:01 AM	
939-459-2136	March 28, 2024, 8:03 AM	
939-459-2669	March 28, 2024, 11:35 PM	South Main St, Worcester, MA (Within the vicinity of the TARGET PROPERTY)
	March 28, 2024, 11:36 PM	
	March 28, 2024, 11:37 PM	
	March 28, 2024, 11:38 PM	600 Main St., Worcester, MA
939-459-2800	March 28, 2024, 11:08 PM	600 Main St., Worcester, MA
	March 28, 2024, 11:09 PM	
	March 28, 2024, 11:11 PM	
939-585-8064	April 10, 2024, 9:07 PM	600 Main St., Worcester, MA
	April 10, 2024, 9:08 PM	
	April 10, 2024, 10:05 PM	
	April 10, 2024, 10:07 PM	South Main St, Worcester, MA (Within the vicinity of the TARGET PROPERTY)
	April 12, 2024, 9:55 AM	600 Main St., Worcester, MA
	April 13, 2024, 12:30 AM	South Main St, Worcester, MA (Within the vicinity of the TARGET PROPERTY)
	April 13, 2024, 12:35 AM	
	April 13, 2024, 11:08 PM	600 Main St., Worcester, MA



	April 13, 2024, 11:09 PM	
	April 14, 2024, 12:52 AM	
	April 14, 2024, 1:02 AM	
939-585-8064	April 10, 2024, 9:07 PM	600 Main St., Worcester, MA
	April 12, 2024, 9:55 AM	South Main St, Worcester, MA (Within the vicinity of the TARGET PROPERTY)
	April 13, 2024, 12:29 AM	
	April 13, 2024, 12:30 AM	North Main St, Worcester, MA (Within the vicinity of the TARGET PROPERTY)
	April 13, 2024, 12:35 AM	
	April 14, 2024, 1:03 AM	600 in St., Worcester, MA

26. On May 2, 2024, search warrants were signed by The Honorable Paul G. Levenson, U.S. Magistrate Judge, District of Massachusetts, which authorized the search of the person of **Heredia-Ortiz** and the TARGET PROPERTY. FBI agents executed the search warrants on May 14, 2024, and recovered, among other things, two cellular telephones from **Heredia-Ortiz**, who admitted the telephones belonged to him.

27. On May 14, 2024, FBI agents interviewed **Heredia-Ortiz**. The interview took place at the lobby of the TARGET PROPERTY. **Heredia-Ortiz** was advised that he was not under arrest. After being advised of the identities of the interviewing agents and the nature of the interview, **Heredia-Ortiz** provided a voluntary statement to law enforcement where he related the following facts, among others. **Heredia-Ortiz** indicated he has been in a romantic relationship with the Victim for approximately 24 years and they have an 18-year-old daughter together. **Heredia-Ortiz** knows that the Victim filed a complaint for the death threats with local police in Puerto Rico about a month ago. **Heredia-Ortiz** claims that at some point the Victim threatened him and he decided to do the same. **Heredia-Ortiz** wanted to give the

Victim a taste of her own medicine. **Heredia-Ortiz** also had interactions with the Victim's new boyfriend, and they were both disrespectful with each other. **Heredia-Ortiz** admitted he hired a private investigator in March 2024 to follow the Victim. The private investigator went to the Victim's house to take photos. **Heredia-Ortiz** admitted to sending threats to the Victim and her boyfriend because he was upset at them and wanted to be a "son of bitch". **Heredia-Ortiz** admitted that he sent these messages with his cellular telephones using the TextNow and other apps he downloaded. In addition, **Heredia-Ortiz** admitted using the emails owensrickey29@gmail.com and cielitodespejado612@gmail.com to send threats. **Heredia-Ortiz** admitted to sending revenge pornography to the Victim and her boyfriend, although they were consensually recorded by him and the Victim. **Heredia-Ortiz** admitted to having sent all the threatening messages but that he would never hurt the mother of his child. **Heredia-Ortiz** admitted that other individuals helped send threats to the Victim, but that those individuals didn't have anything personal against the Victim.

28. The investigation has revealed that the above-described threats were communicated using one or more cellular telephones and transmitted in interstate or foreign commerce.

### **Conclusion**

29. Based on the facts contained herein, there is probable cause to believe that **Heredia-Ortiz** committed the following Federal offenses: (a) 18 U.S.C. § 1513(a)(1) and (f) [Conspiracy to kill another person with intent to retaliate], (b) 18 U.S.C. § 1513(b) and (c) [Retaliation against a witness, victim, or an informant], and (c) 18 U.S.C. § 875(c) [Interstate communications].

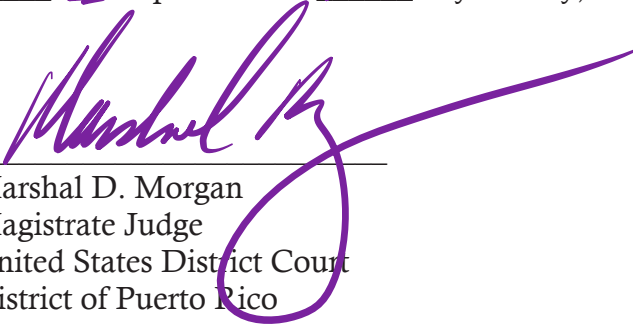
I hereby declare, under penalty of perjury, that the foregoing is true and correct to the best of my knowledge.



Kasim M. Bernabe-Urrutia  
Special Agent  
Federal Bureau of Investigation

Sworn in accordance with the requirements of Fed. R. Crim. P. 4.1 by telephone at

2:21 a. / p.m. on the 14<sup>th</sup> day of May, 2024.



Marshal D. Morgan  
Magistrate Judge  
United States District Court  
District of Puerto Rico